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Cleveland-Marshall College of Law

Jail schmail

Known for his creative sentencing, Judge Michael Cicconetti '80 hands down his wisest opinion yet: a little novelty goes a long way. **CAREER, PAGE 6**

Baby's in the middle

What happens when black surrogate mothers refuse to give up their white offspring?
LAW, PAGE 2

Enough already

From the airport to the airwaves, professor Kevin O'Neill's mug is everywhere. Roger Bundy gets a bad case of paranoia.
OPINION, PAGE 8

THE GAVEL

VOLUME 48, ISSUE 5 ■ MARCH 2000

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Clinic's Erbes expecting a default in fired employee case

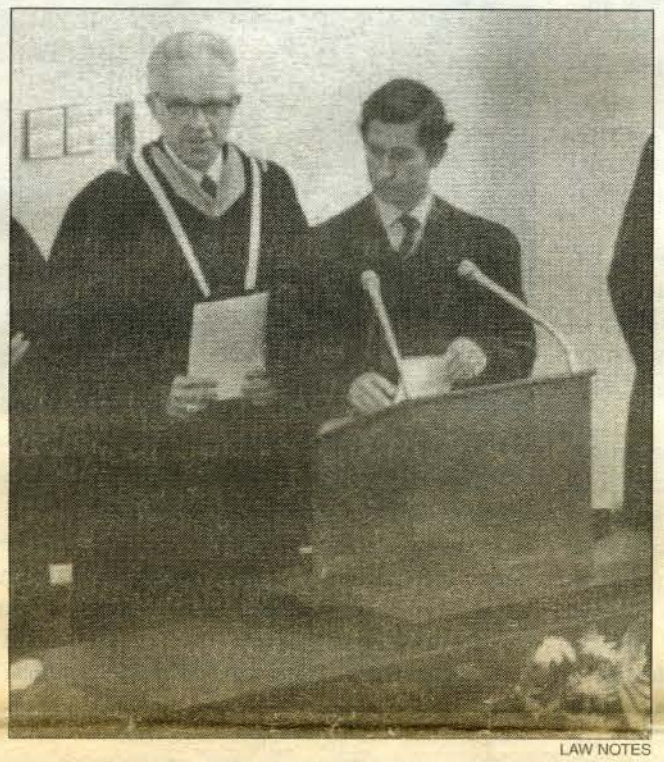
By Eileen Sutker
STAFF EDITOR

The Employment Law Clinic's Kelly Erbes filed a motion to compel an answer for one of the clinic's clients alleging wrongful termination and sexual harassment. On Feb. 3 Judge Ann Aldrich granted a motion to compel the defendant company to have an attorney answer the complaint — not a statutory agent.

The company did not reply to the judge's order and the clerk entered default 20 days later. A final judgment order is still pending.

"The question we'll never be able to answer is whether the company ever consulted a lawyer, or if legal counsel advised them it would be more cost effective to take a default judgment," Erbes said. "Our complaint didn't specify amounts for the remedies we sought, so the value of the judgment still is debatable."

See **ERBES**, page 3



LAW NOTES

Prince Charles in the moot court room on Oct. 21, 1977. Former *Gavel* editor Jack Kilroy '78 made history when he shouted at the prince.

When royalty came to Marshall

GAVEL STAFF

Jack Kilroy '78, a former *Gavel* editor, thought it was a question that merited response.

"Prince Charles, when is the British government going to stop torturing political prisoners in Ireland?"

Charles, in town that day in 1977 to formally dedicate the new law building, might have suspected such a question, considering the mass of angry Irish Americans outside.

Inside the protest spilled over, pitting an otherwise unassuming law student against a prince from the most powerful monarchy in the world.

Turn to page 10 for more.

Rehab brings chairs, cheers

After 20 years and countless jeers, new furniture sparkles in lounge

GAVEL STAFF

Cranky students may be relieved now that gleaming new furniture has replaced the ragtag collection that once made the law school's lounge area infamous.

Matt Hite

When the last delivery truck pulled away from the corner of East 18th Street and Euclid Avenue March 29, it signified the end of a three-year campaign by the Student Bar Association to secure funds for a lounge renovation and to purchase replacement pieces.

The new furniture is the first lounge redecoration to occur in 20 years, according to SBA President Matt Hite.

"This took forever to get together, so I hope everyone enjoys it," Hite said.

In all, SBA purchased 116 pieces of new and used furniture, including the tall tables and stools along the window and the new couches and end tables near the television.

The total bill came to $11,000, which represents the full amount of a grant SBA received from the university's General Fee Committee last summer.

SBA Senator Roger Bundy said the grant was independent of the money received by the dean's office for atrium renovations last year.

"The 52 chairs and 10 tables

See **LOUNGE**, page 2

Blackmon urges BLSA members to persevere at annual banquet

Group awards prizes to essay winners Sizemore and Mays

By Monica L. Wharton
CONTRIBUTING WRITER

The Black Law Students Association's annual awards banquet was held March 17 at the Downtown Marriott at Key Center.

To help celebrate a spirit of scholarship and accomplishment, in attendance were Cleveland-Marshall deans, faculty, university officials and students.

Judge Patricia A. Blackmon of the Eighth District Court of Appeals was the keynote speaker. Her message, "living in the moment," centered around the importance of maintaining perseverance in the pursuit of a law degree and the ongoing need to maintain a vital BLSA chapter.

Judge Blackmon also highlighted the role C-M played in shaping herself and other minority attorneys currently practicing law in the Greater Cleveland area.

"Judge Blackmon's theme moved the audience to think that they must take advantage of every opportunity they have presented to them," said BLSA president Tim Gardner.

Blackmon, a 1975 graduate of C-M, became the first black woman to be elected to the Ohio Court of Appeals in 1990 in her first run for public office. In 1995, she was inducted into the Ohio Women's Hall of Fame in recognition of this distinction.

COURTESY BLSA

Judge Patricia A. Blackmon was the keynote speaker at the BLSA banquet.

Blackmon has served as both chief and assistant prosecutor for the City of Cleveland and is the recipient of many awards, including the Murtis H. Taylor's Ebony Rose Award in Government and the 1996 Alumnus of the Year award from C-M.

This year's BLSA annual scholarship essay topic involved the controversial issue of racial profiling and its impact on minorities in this country. The top prize went to 3L Cheryl Watts Sizemore. 3L Kevin Mays was the runner-up.

BLSA acknowledged and gave awards to many individu-

See **BLSA**, page 4

1L suspended for violating conduct code

By Kevin Butler
STAFF EDITOR

Citing student handbook provisions on class disruption and threatened infliction of bodily harm, the Office of Student Life and CSU President Claire Van Ummersen temporarily suspended 1L Scott Sargent from classes on March 2.

Sargent was accused of sending potentially threatening e-mail to a class chat room and disrupting class, according to Assistant Dean Frederic White.

"I believe that I am innocent of the charges that have been leveled against me and I look forward to returning to my classes," Sargent told the *Gavel*.

Sargent's suspension may be made permanent at a March 30 discliplinary hearing, White said.

THE GAVEL Law

March 2000

ABC-TV airs O'Neill's last words story

By Rebecca Grauel
THE CLEVELAND STATER

Professor Kevin O'Neill was featured in an ABC News Special Report with John Stossel on Thursday, March 23 at 10 p.m.

Titled "You Can't Say That! What's Happening to Free Speech?" the special focused on interesting First Amendment cases from across the country. It included O'Neill's "last words" case that challenges an Ohio policy requiring condemned inmates to write out their final statement six hours prior to execution.

According to O'Neill, the civil action challenges a regulation that bars prisoners from uttering their last words in their final moments. O'Neill's complaint argues that the warden would have editorial control over the statement, which would be released postmortem to witnesses and media.

Although Joseph Andrews, spokesman for the Ohio Department of Rehabilitation and Correction, argues the prisoner is not barred from speaking, the key issue for O'Neill is that the prisoner has no opportunity to be heard by spectators after being led into the death chamber. The First Amendment covers not just the freedom to say something but the freedom to be heard, O'Neill said.

O'Neill said the way the death penalty is enacted, at night and with no recording devices, is designed to anesthetize the public. "Democracy assumes that citizens enjoy access to information that might affect their choices about self-governance. Any matter of public concern should enjoy public debate," said O'Neill.

Both Andrews and O'Neill agree that the purpose of the policy is to protect victim's families from possible derogatory remarks by the prisoner. Andrews said it stemmed from a California case where just that situation occurred. When asked if an intercom setup could edit the remarks from going into the victim's family's area, Andrews explained that the area is not set up for that. A thick pane of glass walls off the death chamber but the viewing area is separated into sections by a partition similar to an office cubicle. Therefore, anything coming over the intercom would be heard by all witnesses, he said.

A motion to dismiss the case, filed by Todd R. Marti of the Ohio Attorney General's office, cited that the policy in dispute was repealed and a new policy had been implemented. The Ohio Attorney General's office said the new policy, enacted February 1998, calls for the statement to be typed and distributed as written by the prisoner, eliminating the perception of editing or censoring.

O'Neill filed the complaint in July 1999 on behalf of two death row inmates convicted of murder.

— Reprinted from the Cleveland Stater.

When surrogates won't let go

Black women must overcome prejudice to keep white babies

By Linda Griffin
STAFF EDITOR

Professor April Cherry described how the institution of motherhood affects the parental rights of African American women, who, acting as gestational surrogates for white women, give birth to children and later seek to maintain custody of the newborn.

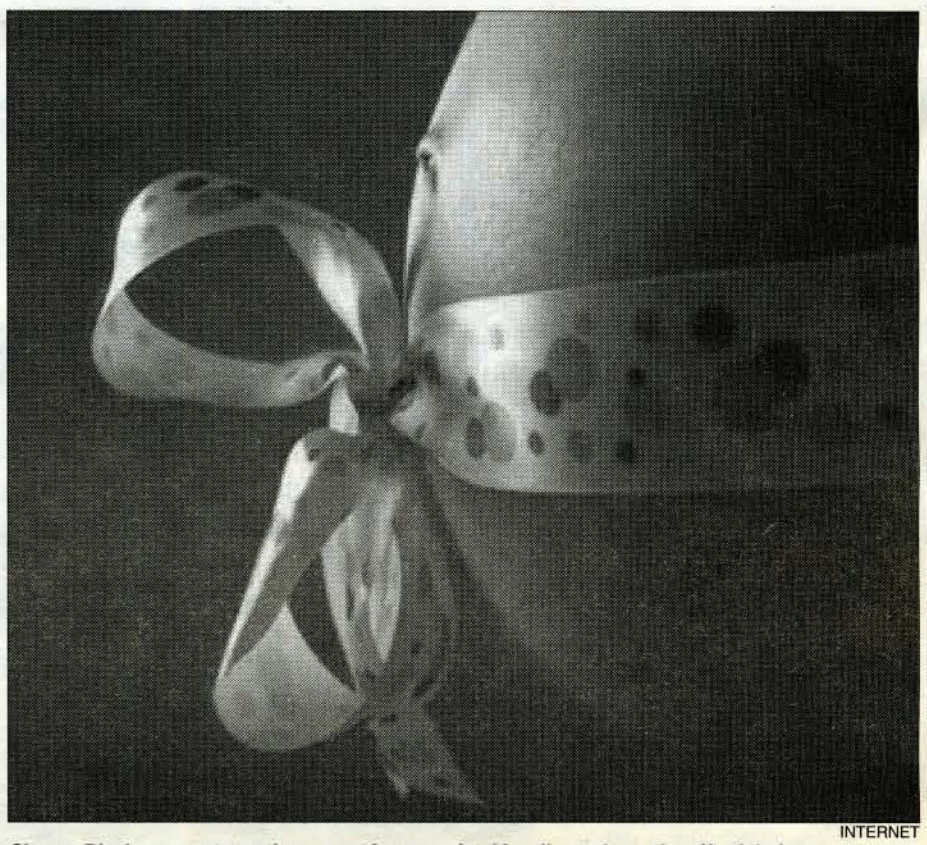
In her March 1 lecture to a Cleveland-Marshall audience, Cherry discussed her article, "Women of Color Nurturing Surrogates of White Culture."

"The relationship of nurture that exists between white children and those who care for them — their mothers of color — is reciprocal and deserves some respect in the culture and the law," said Cherry.

Cherry's presentation began with a personal narrative of her childless great aunt, who mothered white children.

Exploring the science of gestational surrogacy, motherhood as an institution, and the importance of surrogacy contract law, Cherry focused on a 1993 California supreme court case, *Johnson v. Calvert*. An African American woman demanded legal recognition and a relationship with a white child. Even though this woman was not genetically related to the child, she was biologically related and the child's natural mother — a "revolutionary claim," Cherry said.

"Genetics feel more like ownership than affection does," she said. "Genetics in this context functions as a proxy for ownership. If we own our genes then maybe we own our children who are the result of the reproduction of our genes."



INTERNET

Cherry: Black surrogate mothers must jump societal hurdles to keep the gift of their pregnancy.

Cherry urged that racism changes the ideology that the proper role of women is nurturing, caring for children and the home. Instead, she said the ideology of black women insists that black women can never be good mothers.

In concert with other noted scholars, Cherry noted how much racism portrays the institution of motherhood in such a way as to legalize an assault by the state on black women, which resulted in forced sterilization, forced medical treatment on pregnant women and a disproportionate removal of black children from black mothers.

Nature is what determines a woman's right to a child born by gestational surrogacy, Cherry argued, and it is nature and not the value of law that disconnects gestational surrogates from a child to whom the woman has given birth.

In addition, the law injects old-fashioned gender claims of rationality under the formulations of justice. The court in *Johnson* rejected the black mother's claim of maternal status. Cherry said only those capable of rationality are viewed as deserving of rights, and in the surrogacy context, the white couple is viewed as rational.

"The surrogate wanting to breach the contract is viewed as [lacking] her rationality, and her deficiency in this regard makes her an inappropriate repository of her rights," said Cherry.

Titled "Race, Gestational Surrogacy and the Ideology of Motherhood," the lecture was one of a series of faculty presentations this year at Cleveland-Marshall.

Lounge: Shiny new furniture installed

Continued from page 1 —

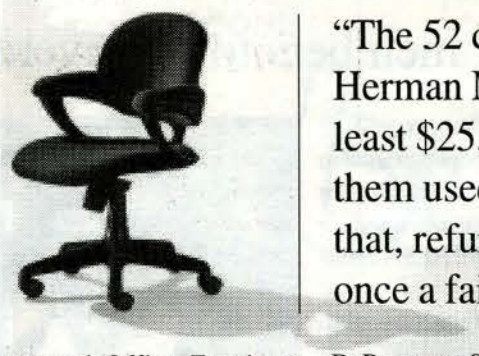
from Herman Miller would have cost at least $25,000 new," Hite said. Last year, improvements to the main atrium area cost the dean's office that much.

"Buying them used saved us $21,500," he said. "By doing that, refurbishing the rest of the lounge, once a faint hope, became a reality."

Herman Miller is a top producer of office furniture and one of the most expensive. The padded chairs each cost $400 new. SBA bought them for $44 apiece used.

"Bids for all the furniture we needed were hard to get in our price range," Hite said.

Cleveland-Marshall Law Alumni Association trustees Dick Ambrose and Stan Stein, attorneys who have purchased office furniture for their practices, put Hite in contact with the two eventual sellers, ALCO Furniture and Office Furniture Warehouse. Five other companies lost in the bidding stage.



"The 52 chairs and 10 tables from Herman Miller would have cost us at least $25,000 new," Hite said. "Buying them used saved us $21,500. By doing that, refurbishing the rest of the lounge, once a faint hope, became a reality."

Delivery was delayed a month until the couches were finished. One stool was accidentally delivered to Detroit, but it should be here by the week of April 3.

The fate of the old furniture, removed to CSU storage facilities, is precarious.

"The old furniture must be resold through the school. I think it will be this summer at an auction," said Roklyn DePerro, an SBA senator who helped with the decorating ideas.

Student reactions to the new furniture have been mixed so far, with descriptions ranging from "awesome" and "much more comfortable," to "tacky" and "disgusting."

"It looks like it belongs on the set of 'Star Trek' — the original *Enterprise*," said one student.

Many students initially complained the tables were wobbly.

"None of the adjustments to the tables have been made yet, so the tables that are wobbly will be fixed once the delivery is completed," DePerro said.

Hite said he was impressed with several students who helped him remove the old couches before the new furniture was delivered.

"I asked one guy who I didn't know why he was helping. He said, 'I have to earn my keep. I sit in these things every day.'"

— Reported by Eileen Sutker and Kevin Butler.

Continuing education helps students too

By Greg Gleine
CONTRIBUTING WRITER

An activity many attorneys consider one of the more mundane requirements of practicing law may in fact provide law students with the opportunity of a lifetime.

Although the Supreme Court of Ohio requires the members of the Ohio Bar to complete a number of CLE (Continuing Legal Education) training hours to remain members in good standing, no such requirement exists for Ohio's law students. (Perhaps the Supreme Court of Ohio is under the impression that current law students are exposed to enough legal education at the moment).

While most law students would agree with this rationale, those who take advantage of the many opportunities for law students to attend CLE seminars reap the benefits.

Thus, in order to encourage your future participation in these programs, I have compiled a list:

Top Ten Reasons to Attend a CLE While Still in Law School:

1. CLEs tend to be specifically tailored to address topics of interest to those attending.

2. The seminars are taught by experts within their respective fields.

3. The professional atmosphere of most CLEs serves as a nice break from the classroom routine.

4. Many CLEs or similar programs are offered in interesting cities such as New York, Los Angeles, San Francisco or Chicago.

5. Most CLE programs include access to excellent research materials for papers or projects.

6. Great networking opportunities abound.

7. The seminars are offered by reputable organizations such as local bar associations and institutes that attract top speakers.

8. Scholarships are generally available to students, reducing costs to minimal charges, if any.

9. Serves as a great resume-booster, which could lead to a job.

10. You may actually learn something and enjoy it.

Gleine, a 3L, recently returned from Beverly Hills, Calif., where he attended the Practicing Law Institute's conference on the business and legal aspects of the sports industry.

COURTESY NATIONAL GEOGRAPHIC

No. 4: Many CLEs may take you to such far-away U.S. destinations as San Francisco and New York.

ERBES: Clinic crew capitalizes on opponent's unusual gaffe

Continued from page 1 —

The original complaint, drafted with the help of Erbes, a 3L, and 2L Karen Kaminski, alleged that the plaintiff was fired because she is a woman who, on the advice of the plant manager, filed a written harassment complaint against a supervisor.

The plaintiff, apparently with an excellent three-year work record, was the only woman working in the drill division of the structural department of the company. The supervisor, who had less seniority, also ordered her co-workers to search her personal tool box without permission, and stated that the plaintiff "did not belong working here with the men," according to the complaint. The complaint alleged this was part of a pattern of behavior that caused constant stress for the plaintiff.

Meanwhile, the clinic staff said it will remain available to help its client jump through the hoops of trying to collect on the judgment.

"This case is probably the first time the clinic encountered a non-responsive defendant, so this is a unique sequence of events," Erbes said.

"It will be interesting to see how the new punitive damages standard of malice or reckless indifference — announced in *Kolstad v. ADA,* which does not require a showing of outrageous conduct to receive a punitive damages award — will play out over time in this case," she said.

"The case is providing a wonderful experience for Kelly and Cheryl Sizemore, who joined the clinic after the case was filed," said Gordon Beggs, staff attorney for the clinic. Sizemore is a 3L.

"I've certainly been surprised by this case," Beggs said. "In over 25 years of civil rights litigation, this is the first time I've been this close to a default judgment in one of these cases."

Both moot court teams falter in ABA regional tournament

GAVEL STAFF

At the northeast regional round of the ABA National Appellate Advocacy Competition, both Cleveland-Marshall teams advanced to the fifth round but did not win trips to the national final rounds in Chicago.

Less than half a point separated the brief scores of the two C-M teams, which indicates the closeness of the competition.

Victor Radel received the first-place oralist award. Maria Citeroni was named second-place oralist and wrote the best respondent brief with her teammates, Radel and Kelly Summers. The team of James Kenney, John Mugnano and Lauren Smith lost by fewer than two points in their final round.

> Victor Radel was named the first-place oralist.

"I was so proud of them because it shows we continue to have a strong, viable program that can consistently compete with the best," said Carrie Saylor, current head of the Moot Court Board of Governors.

"When you stand in front of the bench, you are vulnerable to attack from every direction. You have to believe that your training and research were sound and sometimes you need the confidence in yourself to improvise," Mugnano said.

Profs' reviews an important way to ensure quality in the classroom

By Steven H. Steinglass

Our students, individually and through their student organizations, make valuable contributions to the everyday life of the law school. This month, for instance, the Black Law Students Association sponsored a wonderful event at the Marriott Hotel with our 1975 alumna, Ohio Eighth District Court of Appeals Judge Patricia A. Blackmon, as the very effective keynote speaker. And next month SBA will sponsor the Barristers' Ball at the Cleveland Browns Stadium.

The Dean's Column

Throughout the year our student groups offer a number of programs on topics involving the world beyond their classrooms, and many, many students individually volunteer for pro bono activities and help us with recruitment and admissions programs and with our special events.

There is another way in which individual students may also contribute to the quality of life at the law school: by completing the evaluations for each course the student takes. Because evaluations are so seriously regarded, students are asked to fill them out conscientiously before grades are issued. In this way we preserve the integrity of the process.

Of particular usefulness is the subjective portion of the questionnaire, which can be instrumental in helping both our full-time and part-time faculty become more effective in the classroom. A constructive student critique can effect changes in the manner in which a class in conducted and the materials assigned, and it can also help our faculty strengthen the quality of their teaching. And for me, our students' assessments are valuable resources. I meet each spring with every faculty member for an annual review; among the items we discuss are how students have reacted to the men and women who teach them. Reviews of adjuncts are also considered by the committee responsible for adjunct appointments.

I urge each of you to accept seriously the responsibility and privilege of helping our faculty refine their craft so that we become the best law school possible.

Steinglass is dean of the college of law.

Identity theft risk pervasive on campus

How to avoid being victimized here, where the information flows freely

By Eileen Sutker
STAFF EDITOR

Identity theft occurs when ID cards, mail and credit card statements are stolen. Other methods to steal someone's identity include searching trash for personal data, fraudulently getting credit reports by posing as a legitimate investigator and using personal information that someone shared on the Internet. Thieves run up credit accounts, buy cars, establish phone service and bank accounts; then they run up bills, write bad checks and even file for bankruptcy in your name.

Analysis

Identity theft risk appears high on the Cleveland-Marshall and Cleveland State campuses. Registration materials with PeopleSoft numbers are placed in the open mailboxes on the lower level without a sealed envelope for privacy. Paperwork for student organizations uses an individual's PeopleSoft number, then the records of the transactions are kept in open files in the organization's office.

Both Westlaw and Lexis now feature "remember password" commands that let anyone with your log-on password enter their programs. The library still takes social security numbers to check out a book. We routinely leave resumes containing our life's details in unsecured envelopes in the career planning office area.

Anyone with an illegally appropriated ID number could fill out a final exam card for someone else — making that person suffer a paperwork nightmare when an entire set of grades is recorded as failures. But what's worse, once a thief gets a PeopleSoft number and the person's address (from the phone book, for instance), it's possible to call in a bogus "correction" to the Viking system and change someone's password. From there, the enterprising thief could access all the Viking information and use that to steal an identity while denying access to the real student.

The Identity Theft and Assumption Deterrence Act of 1998 (codified in part at Title18 of the United States Code, Section 1028) prohibits the knowing transfer or use of means of identification without lawful authority with the intent to commit a crime. A "means of identification" can be a name, social security number, credit card number, cell phone electronic serial number or any piece of information used alone or with other information to identify a specific person. The Ohio Revised Code, Section 2913, outlines other identity theft provisions. You can contact WWW.CONSUMER.GOV/IDTHEFT for further information.

The Federal Trade Commission suggests people minimize risk by guarding mail from theft, using passwords not tied to personal information, not giving personal information over the Internet and shredding trash containing personal information.

While we, as future officers of the court, like to believe everyone at C-M is beyond reproach, we must remember that this is a public building. Guard your identity as carefully as you'd watch your bag.

If you suspect you're the victim of an identity theft, start by contacting the fraud departments of the major credit bureaus, then file a police report to help you document the problem to creditors and call the FTC identity theft hotline at (877) ID-THEFT. Contact WWW.USPS.GOV/WEBSITES/DEPART/INSPECT for stolen mail; call (888) CALL-FCC for fraudulent phone charges and (800) 772-1213 for social security number fraud; and go to WWW.USDOJ.GOV/UST if you believe someone filed bankruptcy in your name.

BLSA: Students, deans given awards for years of service

Continued from page 1 —

als for achievements, accomplishments and contributions to the organization, including deans Steven Steinglass, Frederic White and Errol Ashby.

Recipients of the President's Award for years of outstanding contributions to the BLSA organization were municipal court Magistrate Greg Clifford and BLSA members Tijuan Dow, Mays, Monica Wharton, Darlene White, and Wendy Woodford.

This year's banquet was chaired by W. Mona' Scott. Co-chairs were Wharton, Dawn Haynes, and Tamera Manning.

Newly elected board members for 2000-01 are Marquetta Johnson, president, Sandra English, vice-president, Lisa Johnson, secretary, and Lindsay Clayton, treasurer.

Movement afoot to purchase new lounge microwave

GAVEL STAFF

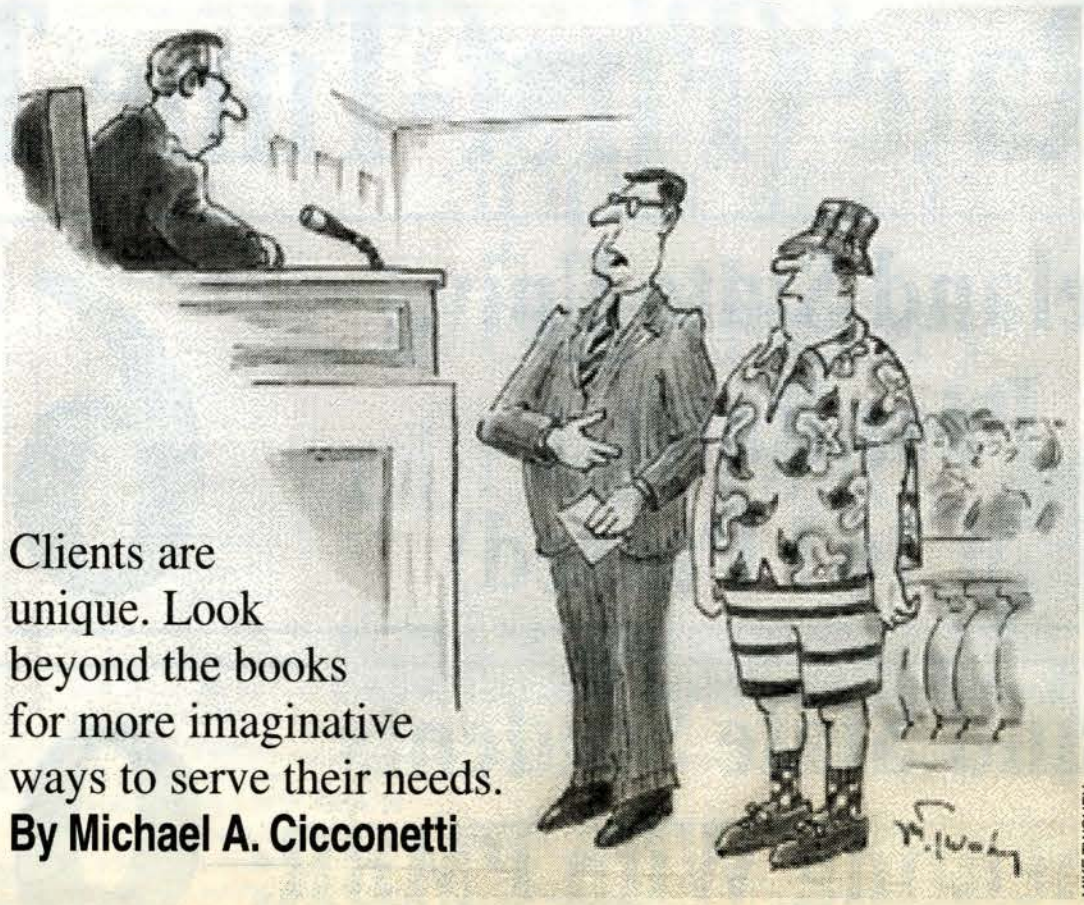
A grassroots campaign is underway to replace the microwave currently in the basement of the law school.

1L Patty Stracker and 2L Ann Vaughn are seeking donations from students to purchase a new microwave. Asked what spurred them to begin the campaign, Vaughn said she noticed a strange heat emanating from outside the microwave when it is in use, prompting her and Stracker to wonder about the safety of the old appliance.

"I just want to heat my lunch without the fear of developing pancreatic cancer," Vaughn said.

Vaughn and Stracker have already priced an industrial-type microwave and said they hope to have it in place soon.

A little novelty goes a long way



Clients are unique. Look beyond the books for more imaginative ways to serve their needs.

By Michael A. Cicconetti

MIKE TWOHEY

COULD IT REALLY be 20 years since I attended Cleveland-Marshall?

As I reflect on the days of driving from Painesville to Cleveland following a full day of work to attend class along with several other students from the area, I wonder how we ever managed to maintain our sanity for the approximately four years we spent on the vicious escapade. Thank goodness for Gilbert's and Casenotes!

Alumni Advice

I remember Ted Dyke, who knew us as both students and parents, husbands and wives, teaching us labor law as it occurred in real life — not through the eyes of some judge who is far removed from a smoke-filled union hall meeting. I remember Leroy Murad telling us the most important friend you could have in the courthouse was the janitor, and later found my life much easier in the local halls of justice. I remember evidence professor Steve Landsman using a teaching method that could be understood by the average, struggling student.

I remember the style and substance of my professors more than the landmark decision of *International Shoe* or an opinion by Justice Cardozo. Law was important to them, as was the importance of those studying the law.

The practice of law and a term on the bench convinces me that our legal system is truly comprised of laws "by the people and for the people." For six years I have worked in a "People's Court" on a daily basis. Each day a parade of individuals march through the courtroom. A carpenter, a drug abuser, a nurse, a drywall hanger, a corporate executive, a spousal abuser, a college student, a dancer or an airline pilot take their turn appearing before the bench.

It is easy for a judge to impose a jail sentence within the minimum and maximum mandates of the Ohio Revised Code and, sometimes, it may be the only appropriate option.

But creative sentencing takes a little more effort, allowing a judge to mete out sentences tailor-made for the individual. Accepting a meaningful punishment, serving ones' debt to society and avoiding recidivism are its goals. Defendants should have a choice between substantial jail time or an alternative sentence. We've tried the following in the Painesville Municipal Court:

A defendant caught stealing from the lockers of the local YMCA was ordered to sit outside the locker room for an entire afternoon apologizing to each "Y" member as they entered.

Three young men caught throwing rocks from a freeway bridge were ordered to hold a banner acknowledging their acts to passing motorists on a cold and snowy day.

A young man who led police officers on a foot chase was ordered to spend 10 days assisting track and field participants in the Special Olympics program.

Failing to stop for a school bus will find an individual spending a day as a "ride-along" with a bus driver.

Repeat seatbelt offenders may be ordered to purchase car seats for needy children.

Other non-violent offenders, during the summer months, are given the option of planting, weeding, tending and harvesting the one-acre court vegetable garden. For many individuals this is the first time in their lives they begin and end a project, and see the appreciation of the needy as they accept the free and fresh vegetables for their families.

Donations of hours or dollars to the Salvation Army, Forbes House for Women, Lake County dog warden and YMCA Outdoor Family Center are other alternatives to the standard jail and fine sentence.

It is my sincere hope that as new lawyers you accept the challenge to look beyond the pleadings and motions and remember you are a counselor as well as a lawyer to your client. Be creative with integrity.

I urge you to read "A Lawyer's Creed," issued by the Supreme Court of Ohio, and the sentence contained in the last paragraph: "To the public and our system of justice, I offer service."

■ About Michael A. Cicconetti: Judge Cicconetti graduated from Cleveland-Marshall in 1980 and was in private practice for 14 years before being elected to the Painesville Municipal Court in 1993.

Cicconetti, 48, has been a trial judge for the Ohio high school mock trial competition each year since 1994, and frequently is an invited guest speaker at civic functions in his hometown. His sentencing of the rock throwers to public apology garnered much publicity in the Northeast Ohio media.

For best results, juggle classes, activities in school

By Karin Mika

■ Is it better to be on law review or on moot court?

At the onset, let me first say that I advocate all students participating in extracurricular activities — whether law review, moot court, pro bono work, clinical work or any of the other numerous activities I have not mentioned.

Legal Writing

Extracurricular involvement enhances a legal education because it connects the student with the practical applications of law and, quite often, with people who have shared interests and goals. Being on law review (or the journal) is not "better" than being on moot court, or vice versa. The activities serve distinctly different purposes. Law review is geared toward producing and editing legal scholarship while moot court is geared toward replicating the real-life action of an appellate court.

It's tough to say what "looks best on a resume." If you're being interviewed by the former editor of a law review, it would be nice to have a law review credit on your resume, but if you're being interviewed by a litigator who was high oralist in a moot court competition, moot court participation would of course be better. Many students opt to do both (and then some), which is not as far out as anyone might think.

I might add, however, that in the years that I have been here, I have heard moot court veterans express that their participation on moot court was the best and most exciting aspect of law school. I think this stems from the competition and school spirit aspect of the activity. We don't have a football team; this is the next best thing. But I don't want to belittle the other extracurricular activities. A similar satisfaction is often derived from meaningful learning experiences in which the student believes he or she has accomplished something worthwhile.

Extracurriculars enhance legal education because they connect the student with the practical applications of law and with people who have shared interests.

■ Did you have a favorite class in law school?

I liked different classes for different reasons and, of course, disliked some classes for different reasons — as would be the case for anyone. It didn't always have to do with grades either.

For instance, I had now-retired professor Hyman Cohen for torts my first year. I had no particular affection for torts, did quite poorly gradewise, but thought he was a marvelous lecturer and tried to take him for everything he taught. (I never got higher than a "B.") I also liked legal writing, but that was for the opposite reason — there I connected with the subject matter and did the type of work I had been doing previously.

The class having the most impact may have been motion practice with professor J. Patrick Browne, an extraordinary individual who passed away a few years ago. For whatever reason, I left that class understanding how all of my other previous classes fit together.

My favorite classes are generally those that provided something I wasn't expecting. Consequently, there have been a lot of classes I have enjoyed, and many more (including those currently taught by my peers) that I had no opportunity to discover.

Mika is the assistant director of legal writing at C-M.

Supersleuth solves stolen sack-lunch whodunit

By Patricia Love
CONTRIBUTING WRITER

The woman trashed all our food. It's as simple as that.

On March 13 at about 10 a.m., a student reported that she put her lunch and medication in the nearly-full student lounge refrigerator.

An hour and a half later, not only was her lunch gone, but so were about 25 others.

A call was made to the CSU police, who were unable to respond to the complaint. President Clinton was expected in town and, presumably, campus security wins out in priorities over tuna sandwiches and Spaghetti-O's.

At about 11:30 a.m. a woman was noticed preparing to leave a table near the television. Although she regularly spends her

The culprit: a 'bag' lady

mornings either in the student lounge or the ladies' room, the woman's appearance suggests that she is not a daytime law student.

One rather hungry and broke student approached this woman as she headed for the stairwell. After a brief introduction and friendly exchange, the student came right out and told the woman that she really needed her lunch that day, as she had no cash to buy another.

"May I have my lunch back, please?" she asked plaintively.

Without a blink, the woman quipped, "They're in the trash," wished the student a nice afternoon and then headed on her way.

And there they were, just as she promised, stacked neatly three and a half feet deep in the barrel. No trash. Just lunches. A couple dozen of them, in fact.

Later that day, at about 6:10 p.m., she was seen leaving the first floor ladies' room and heading down to the lounge area. Of course — it was dinner time!

So, in this instance, we have one answer to the question of where the lunches have gone. Perhaps the fridge needs a new sign, conveying the appropriate warning: eat at your own risk.

Love is a 2L.

Everywhere you turn, O'Neill

By Roger M. Bundy
STAFF WRITER

Six degrees of separation. Six degrees of Kevin Bacon. Zero degrees of professor Kevin O'Neill.

This guy is everywhere. On television, billboards, radio — face it, the man is haunting us. I can't even get to Marc's to stock up on deeper discount groceries without first passing under the professor's benevolent smile, beckoning me to attend Cleveland State. If you've missed him on a billboard above Broadview Road, you've seen him elsewhere.

Like on television. There I am, resting comfortably in my small bungalow, not a care in the world, taking a brief break to numb the mental pain of law school with some really bad TV. Suddenly, *poof!* On my set appears the ever-gregarious O'Neill, gesturing wildly, lecturing as if he were fresh from a Dale Carnegie course on style and public presentations. Is this fair? To be jolted from the sublime fantasy of TV nothingdom into the cold, hard world of evidence law?

Some of his students may have planned to escape the indefatigable professor on spring break. Forget about it. His gleaming Irish mug was lit up and life-size at the airport, bidding you fond farewell as you left for whatever warm, luxurious, non-evidence, non–First Amendment location you chose for respite from the masochistic hell that is law school.

Lest you be disappointed, he was still there to greet you upon your return to Cleveland, itself a masochistic hell, especially during the winter months. Perhaps this year we should bestow a special honor on O'Neill, often the winner of the top professor award, by naming him official poster boy of Cleveland-Marshall and CSU.

In the good professor's defense, I do think this perennially happy man has been terribly slighted by the fashion community. A great deal of fuss has been made recently about a trend being set by Regis Philbin on his TV game show, "Who Wants to Be a Millionaire?" Apparently, Regis' two-toned look, achieved by matching shirts and ties in dark and earthy colors, is now all the rage among the high-fashion muckety-mucks in New York.

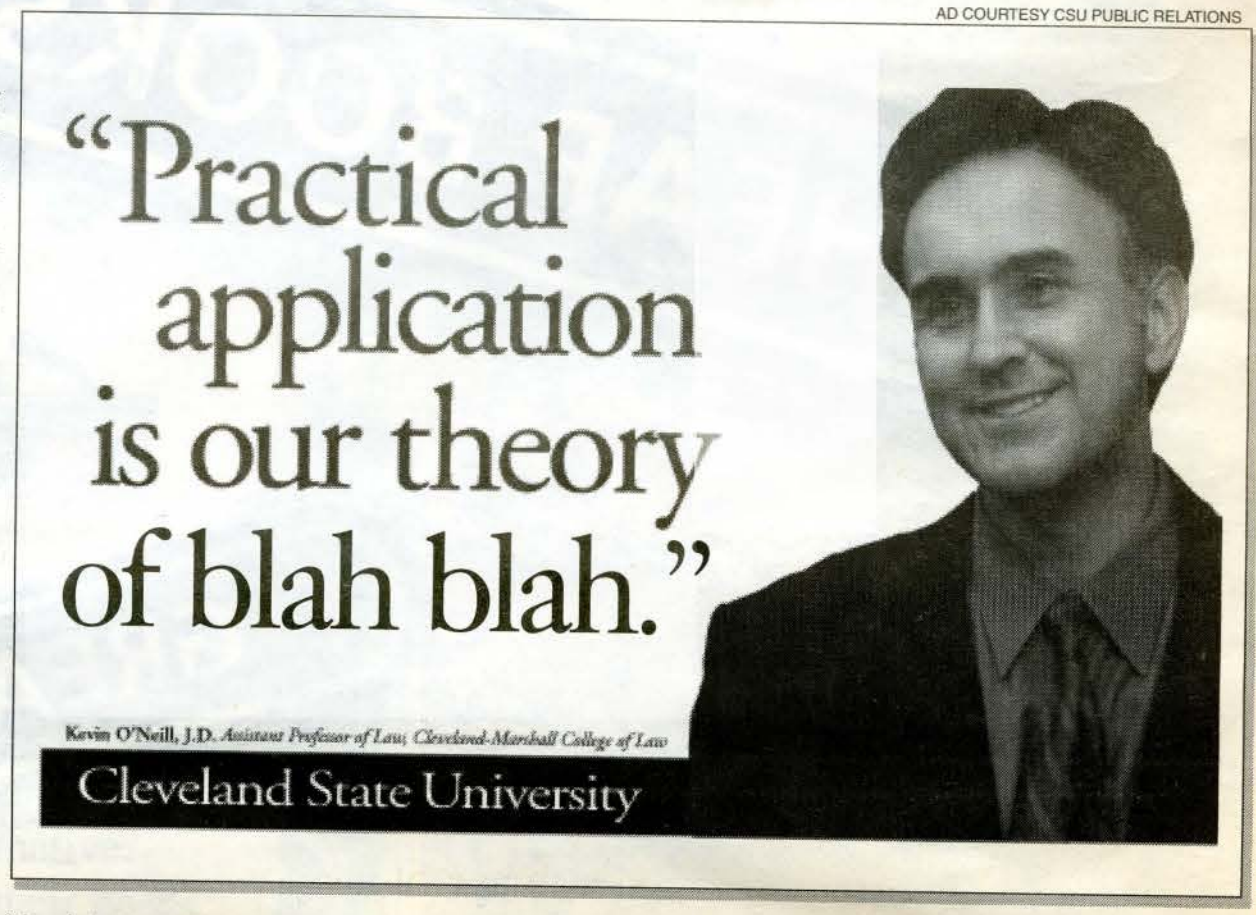
Let me be the first to point out that Regis has absolutely nothing on O'Neill, who clearly was the originator of that trend right here in Cleveland. In fact, Philbin can't even get it right — he lacks the suspenders, the *sine qua non* of O'Neill's fashion trendsetting.

Maybe it just takes awhile for things to catch on in the Big Apple. Perhaps professor Mickey Davis will file a fashion intellectual property claim against Philbin for stealing O'Neill's idea. Given Davis' penchant for work boots, *droopy khakis and snowflake* sweaters, at the least it would make a *prima facie* case for irony.

I digress. O'Neill *is* a good representative for C-M and CSU, perhaps even better than Van Umm— I better not finish the sentence. I just hope the professor doesn't spoil the fun by trying to sell us on PeopleSoft one day.

Bundy, a 2L, asks that his views not be construed in such a way that will affect his grade in professor O'Neill's evidence class — except, of course, to raise it.

AD COURTESY CSU PUBLIC RELATIONS



Truth be told, we can't help but fancy the face we face

It takes courage to defend the infamous

Gary Norman

The requirement of zealous advocacy may call upon counsel to exhibit courage in representing a client, especially in an infamous or notorious case.

"Advocacy is not for the timid or the meek. It demands that lawyers be both vigorous and courageous," wrote William Ericson in "The Best Defense."

INTERNET

We could all learn from Atticus Finch.

This duty may, on occasion, place counsel in peril of life and limb. For example, in "To Kill a Mockingbird," Harper Lee's attorney Atticus Finch placed himself and his family in harm's way when he represented a black man accused of raping a white woman. The peril arose from the community's desire to lynch first and hold a trial later.

The fictitious Finch personified the adage that everyone deserves a strong defense. This character can be a measuring stick for law students because the willingness and ability to ably represent unpopular defendants indicates a great deal about the character of a lawyer. Constitutional guarantees quickly become meaningless if they extend only to "popular" clients.

But infamy is not the only situation where a lawyer's zeal is challenged. Merely notorious cases can rise to this level too. When the public attaches impervious opinions to the respective parties, counsel must exhibit great courage to ensure that the search for truth remains paramount. A 19th century example is the case involving the father of the author Harriet Beecher Stowe. The New York trial court had to issue tickets for admission to the trial. The Scopes Monkey and O.J. Simpson trials also come to mind.

Former Chief Justice Warren Burger once described the tripod of justice as follows: "Justice can be attained in our adversary system only where a trial is held before a competent judge and both [sides] are represented by competent counsel." Competency requires courage, in some measure, for every client.

Norman is a 3L.

THE GAVEL
Cleveland-Marshall
College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors Kevin Butler, Linda Griffin, Eileen Sutker

Staff Writers Roger Bundy Jr., Monica Clardy, Jen Cunningham, Kelly R. Johnson, Sonja Lechowick, Matthew Lombardy, Ross Matlack, Michele McKee, Gary Norman, Frank Scialdone, Ann Vaughn

Photos Daniel Pope

Advisor Thomas Buckley

What's forgotten in the Project 60 flap

Mail Pail

IN CASE YOU ARE NOT AWARE, Mr. Lombardy, all students are subsidized by the State of Ohio, not just Project 60 folks ("Face Off: Project 60," February 2000). Your claim of capitalistic entitlement would be more pure if you contracted to pay back the State of Ohio subsidy the law school receives vis à vis your attendance.

It might even be said that your column is proportionately "the epitome of ingratitude for someone to be granted a handout ... and then to dare to complain when the handout is not exactly to the recipient's liking."

Remember, the Project 60 student was auditing, not attending for credit. So the notion that the Project 60 student "obtains a legal education" is misleading.

Only you and your "only partially subsidized" colleagues will have the privilege of sitting for the bar exam and hopefully be licensed to practice law in the State of Ohio.

You've had some help along the way pulling up those conservative "bootstraps" and I think that's a good thing. I just want you to see it as a good thing and remember that people who live in subsidized glass houses shouldn't throw stones.

Schuyler M. Cook

Cook is an attorney and a reference librarian in the C-M law library.

> Lombardy's claim of capitalistic entitlement would be more pure if he paid back the Ohio state subsidy the law school receives vis à vis his attendance.

Editor's note: *The* Gavel *regrets it failed to mention last issue that participants were allowed to answer the essay question humorously or seriously.*

Nevertheless, to help clarify such misconceptions, editors spent several hours with the fifth-graders explaining in better detail how lawyers spend their days and how our justice system works. — Ed.

Academically-toned speech in proper place

May I comment on your bright but confusing article about my "bright but confusing" lecture ("Fitzpatrick's death-penalty lecture bright but confusing," February 2000)?

The article conveys the gist of the lecture with great clarity. That is the sort of confusion I am happy to cause.

Somewhat more seriously, there is the grievous fault of giving a lecture that is "academically toned," in a university of all places, and thereby not being sufficiently accessible to "the everyday audience." One way in which domination by elite is secured in modernity is through separating difficult but powerful ideas from everyday life. I would not wish to do that. The academic has to struggle to make these ideas accessible without compromising them. The "everyday audience" may at times have to struggle to understand them.

Peter Fitzpatrick

Fitzpatrick is a visiting professor from the Queen Mary and Westfield College Faculty of Laws. He spoke on the death penalty in February.

Kid contest promotes poor image of lawyers

Recently, the *Gavel* had fifth-grade classes at local grade schools write an essay describing a lawyer's job and daily activities (February 2000). The answers generally listed things like drink martinis all day long; make a lot of money; lie for clients to help their cases; not show up at court appearances; and sit at a desk all day long and play video games.

If these children were told to be humorous in their comments, Seinfeld is going to have some tough competition in the near future.

But if the children thought they were supposed to answer seriously, we are all in big trouble.

Patrick J. Perotti '82

Perotti is an attorney in the Painesville office of Dworken & Bernstein.

The kids respond: thanks for the lecture

I am writing to you to go over what you taught us about lawyers.

You can't lie. If you get caught lying, your licenses can be taken away. The shows on television about court issues are most of the time not real.

If I want to be a lawyer, first of all I have to try to stop lying and stay in school, because you have to take long schooling to become a pro lawyer.

In a courtroom, some judges don't want cameras. They use artists to draw what's happening.

There are different trials and you could have more than one lawyer. There are many lawyers for many cases.

A person who who types all the words of the clients and lawyers is called a stenographer.

I just wanted to thank you for spending your time from work to come and talk to us.

Anaceliz Castro

Castro received an honorable mention in this year's essay contest.

Agree?

Do you take issue with an opinion in this edition? Do you have a special perspective that would help shed light on the subject? Let us know. Drop off your hard copy and disk at our office door, LB 23, or write to KEVIN.BUTLER@LAW.CSUOHIO.EDU. Submissions must be signed. We reserve the right to edit for clarity.

Racial profiling tears the nation's faith to shreds

By Ron Watson
CONTRIBUTING WRITER

Racial profiling contributes to the racial divide that exists between black and white citizens. It alienates an entire class of people who are already skeptical of law enforcement agencies.

The negative impact of profiling, brought to light in David Cole's recent lecture here (see "Police stops unjustified," February 2000), is devastating to a peaceful society. So-called "justified shootings" of citizens by police officers are an awful and unacceptable product of racial profiling. Applying a stereotype without any benefit of due process creates an instant death sentence for that individual and creates mistrust, fear and misunderstandings that fuel the fire of prejudice.

Surely there are other ways to deter crime. Any possible benefit of profiling is clearly outweighed by the harm it imposes on innocent people.

Stops and detentions based solely on race or car model effectively establishes a crime based on status. The guilty are identified on sight, then the "crime" is immediately punished by the act of detention. Reasonable people must see this constitutes a loss of liberty without due process.

Legislatures are responsible for allowing law enforcement officers to proceed this way. Citizens must make it clear to their representatives that this expansion of police powers is an unacceptable pretext for criminal investigation, and that erosions of privacy rights have gone too far.

I believe that the requirement of clear probable cause for stopping, detaining and "pat-downs" is not too much to require in a free society. Demanding a demonstration of probable cause can stop racial profiling. Mere sensitivity training for police officers is a superficial solution to a deep wound in our society; it cannot eliminate the misunderstandings that underlie racial profiling as it's practiced.

I believe U.S. citizens must eliminate this divisiveness. Racial profiling means race shall divide. Let us lobby to remain one great nation and eliminate this hateful practice.

Watson is a 4L.

CORBIS

> Start demanding probable cause for patdowns.

Look closely: Nazis mirror liberals more

Recently I overheard a gentleman speaking of conservative members of Congress as "Nazis." Such a comment requires a definition of the struggle between liberals and conservatives through civilized history, the struggle between Statists and Classical Liberals.

Matthew Lombardy

Statists, embodied in the modern day liberal, tend to favor more government control and more central planning of the economy. The greatest proponents of Statism in the post–industrial revolution era were Karl Marx (Communism) in his books including "The Communist Manifesto," and John Maynard Keynes (Socialism) in his books including "The Consequences of the Peace."

Conversely Classical Liberals, embodied in the modern-day Conservative, tout less government control and the supremacy of the free markets. The Classical Liberals' most famous post–industrial revolution era proponent is Adam Smith and his seminal volume "The Wealth of Nations."

So, are Conservatives truly Nazis? First, remember that the Nazi party was the National *Socialist* Party of Germany. This party believed in the elimination of large banks and control of large industry by the government. Further, modern neo-Nazis adopt these tenets with a vengeance. Consider the 1993 attempt of Hilly and Billy to place 11 percent of the economy of the United States under the control of the federal government via socialized health care. Such a policy strongly resembles the socialism of Nazi Germany.

Further, American Liberals insist on implementing race based policies such as affirmative action that grant privileges to one group at the expense of another solely on the basis of their race. This is reminiscent of the series of rules and regulations implemented in Nazi Germany following Hitler's rise to power in 1932. The Nazi series of policies steadily stripped Jews, Gypsies and many other groups of their rights, robbing them of their private property and dignity and granting the fruits of these criminal confiscations to the members of the "master race." All this was done solely on the basis of the racial, religious or ethnic classification of the targeted groups.

It appears that the policies supported by the left in America resemble the Nazi form of tyranny far more than anything proposed by the Conservatives. But I will not call my Liberal counterparts a bunch of Nazis — for I know they are not. I need not resort to insults, shouting and demagoguery to win a debate, because this demonstrates a bankruptcy of ideas. Insulting the opposition proves no arguments of substance can be put forth on one's own behalf. For every insult Liberals throw, we can toss the insult right back. Ironically, the shoe fits the Liberal foot far more appropriately than it fits ours.

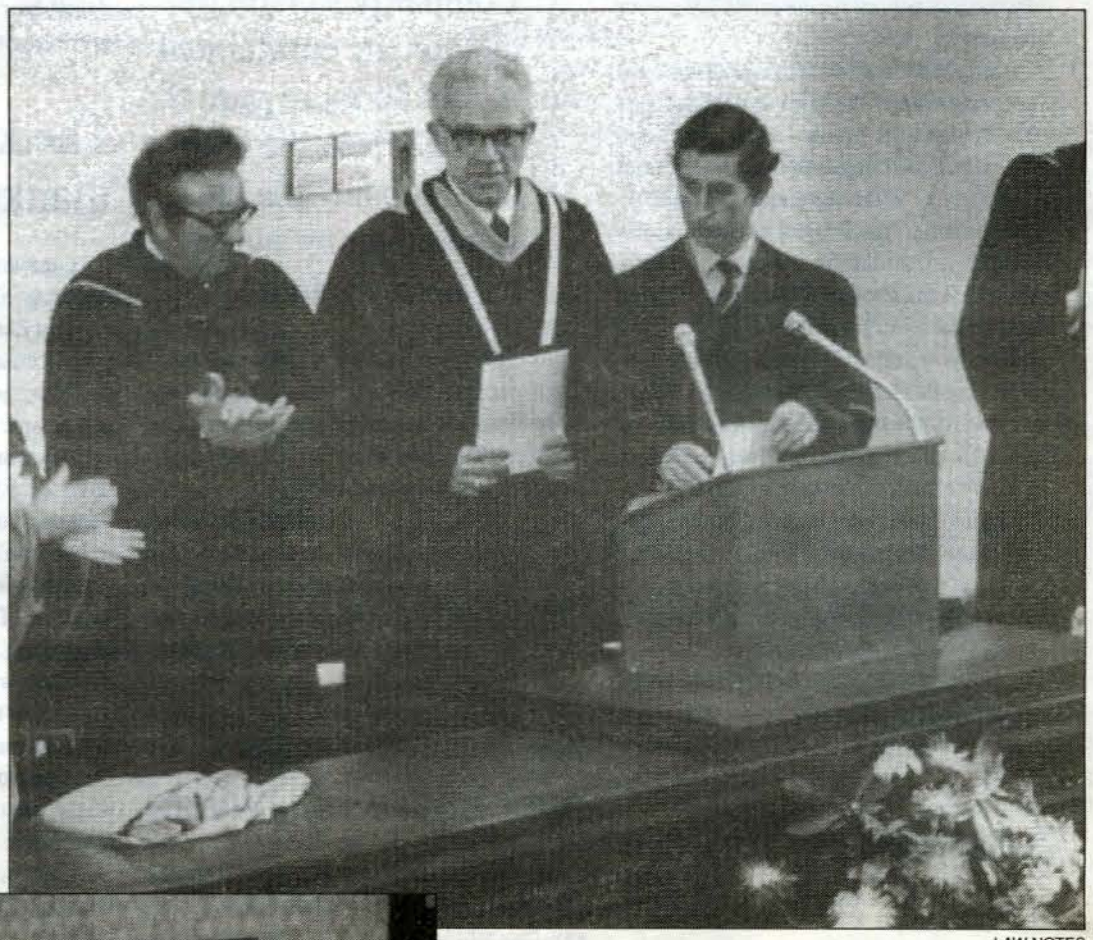
God bless you all and God bless America.

Lombardy can be reached at MYCOLUMNS@AOL.COM.

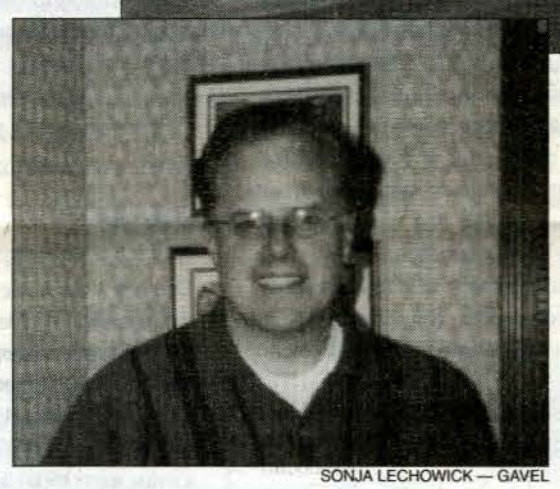
'Are there any more Irish here?'

A SMALL PLAQUE HANGS near the door of Cleveland-Marshall's moot court room, commemorating Oct. 21, 1977, the day British royalty christened the new law building.

The ceremony was arranged to be just another set of stuffy speeches. But when the Prince of Wales rose to speak, what happened next sparked a stir around the campus like no other event in school history, pitting a *Gavel* editor against a prince from the most powerful royal family in the world. In an interview with staff writer **Sonja Lechowick**, Jack Kilroy '78 describes that life-altering day.



LAW NOTES



SONJA LECHOWICK — GAVEL

Kilroy, above, and the man he embarrassed, top right.

Jack Kilroy was not what I had expected. He is a soft-spoken man, perhaps a little on the shy side, calm and collected. He did not have the characteristics that one might associate with a person who speaks out in support of Irish rights — rebellious, defiant, boisterous, passionate, obsessive.

Rebellious could have described the crowd of protesters outside the law school that day in 1977, there to protest Prince Charles' arrival to dedicate C-M's brand new building. But Kilroy was on the inside, and all he wanted was a simple answer to a simple question. He had no idea that his one act would lead to a court case lasting approximately 15 years.

"There was a luncheon for Prince Charles in the atrium area, and then following the luncheon, everybody was invited into the moot court auditorium," Kilroy said. "Five or six students were invited as student representatives, including myself as editor of the *Gavel*. All the dignitaries sat up on the bench, including the mayor, the governor, the president of the college and Prince Charles.

"Dean Bogomolny gave a long introduction that focused on procedural rights, which was his area of expertise, and was also appropriate to Prince Charles because according to the dean, a lot of those rights were inherited from the British legal system."

Just the year prior to the prince's visit, Britain was found guilty by the European court on human rights for the torture and inhumane treatment of people — mostly Irish political prisoners — who were arrested and imprisoned without charge or trial.

"The irony didn't escape me that here was the representative of the government which was just found to be engaging in violating every conceivable form of criminal procedural and due process rights and human rights," Kilroy said.

"The dean introduced Prince Charles, and as he approached the podium there was a standing ovation, and as people sat down I remained standing and I said, 'Prince Charles, when is the British government going to stop torturing political prisoners in Ireland?'"

Asked whether this was a spontaneous act or whether he had planned it, Kilroy said, "I had planned to raise that issue, but I didn't know exactly how things were going to unfold."

"I was there not only as a student representative but also as a journalist. There were several hundred Irish protesters outside, protesting the choice of Prince Charles as a dedicator," he said.

The only answer Kilroy got from the prince came as he was quickly being ushered out of the moot court room. The prince chided, "Are there any more Irish here?"

"Then, federal agents took me out of the room. They were State Department police, and they questioned me very briefly outside the moot court room. They frisked me, and twisted my arm, and then I was taken into an office that was set up as a makeshift security office for the occasion," he said.

"I was turned over almost immediately to Cleveland Police, who asked me questions about my associations and motivations, like 'Why did you do it?' and 'Who are you with?'"

Cleveland police detectives were soon brought in, and they were looking through the statute books trying to figure out what to charge Kilroy with. At one point, one of the detectives stopped and said to Kilroy, "You're the law student; what do you think we should charge you with?"

"I think you should let me go," Kilroy replied.

"Basically, I didn't disrupt the agenda, or commit disorderly conduct," he said. "I was an invited guest, and they had a real problem with that fact."

Kilroy said he asked for legal counsel, but his request was denied. He was then taken from the law school to the CSU security office. There the questioning continued for approximately two hours.

Eventually, a phone call came to the security office, instructing the officers to let Kilroy go.

"I think that they were waiting for Prince Charles to leave campus," he said. Finally, they asked him to sign a waiver not to sue.

Kilroy refused to sign the waiver. In fact, he did just the opposite, suing 23 defendants in all, including Prince Charles, Cleveland State, CSU's president and the Cleveland Police.

"The suit was primarily based on the First Amendment, along with the civil rights act and illegal search and seizure theories," he said.

Prince Charles was quickly ushered out of the lawsuit under sovereign immunity, a doctrine which precludes bringing suit against the government without its consent.

"The U.S. Secretary of State asked the U.S. Attorney General to intervene on Prince Charles' behalf," Kilroy said. "They made a motion based on this doctrine, and there was an ex parte hearing finding in favor of Prince Charles. The judge ruled on the motion before we even got notice that the motion was made."

Kilroy argued that this was unfair, since only one side of the controversy was heard at the hearing, and since the case never went to trial. He also said the sovereign immunity doctrine was wrongly applied in the case, that Prince Charles should have been protected by diplomatic immunity, since he is a sovereign of neither this country nor his own.

At the time Kilroy asked his question, he said he was not a strong proponent of Irish rights.

"My grandparents were Irish immigrants," he said. "I wasn't involved at all. I just followed it in the newspapers."

A tidal wave of media attention followed.

"What happened after that was that every Irish organization in America contacted me," Kilroy said. "I was on Walter Cronkite. I've been to Ireland seven times relating to the political issues in Ireland in some form or another. I eventually got involved in an organization that provides humanitarian aid to Irish political prisoners, and I'm currently the regional director for Ohio and several states. I've met Gerry Adams and President Clinton in the course of my dealings."

Does he regret that he remained standing that day in 1977?

"Somebody once told me that nobody ever remembers the things that they don't do, and yes, I'm glad I did it. I just think it's unfair that my case never went to trial."

> "Prince Charles, when is the British government going to stop torturing political prisoners in Ireland?"

Marbury controls *Miranda*?
Huh? 'Feed corn!' I declare

An old catchphrase for calling one's bluff, 'feed corn' is planted here too

Jennifer Cunningham

I noticed as a little girl in Upstate New York that as soon as we drove five minutes outside of the city, the landscape was carpeted with cow pastures and cornfields. I know this probably shocks you native Ohioans who honestly believe there's nothing between the Bronx and Niagara Falls.

This great proliferation of grain urged my father to appoint himself "guardian of the maize." Everytime we passed a cornfield, he would pronounce with utmost confidence whether it was "people corn" or "feed corn." Years later, I finally coaxed him into admitting that he couldn't tell the difference between people corn and feed corn to save his life. He was merely attempting to appear omniscient in the presence of his easily impressed offspring. Thus, the words "feed corn" quickly became a family catchphrase for calling someone's bluff.

Recently, I noticed that there is a large crop of feed corn sprouting up around the C-M law building. For example, a student who attempts to extrapolate the holding of a case she hasn't read from the professor's facial expression is sowing feed corn.

Then there is the response from the student with no clue how to respond to a professor's interrogation, which requires only a simple yes or no answer. In actuality, it rarely matters what the correct answer is. Either answer, if stated with just the right amount of self-assured conviction makes the student look like a legal genius. Again, feed corn. I should know, as I have employed both these tactics on occasion.

Even more noteworthy, however, are the moments when a professor is caught off guard by a student's seemingly innocent question. It starts with that deer in the headlights look. This is followed by an elaborately choreographed performance designed to baffle the student and thereby stave off any further inquiry into the subject. The technique frequently involves quoting Justice Scalia, making vague references to congressional intent, or arguing substantive due process or a penumbra of other 14th Amendment rights.

After enduring two semesters of constitutional law we all know the 14th Amendment is nothing more than a convenient fall back for defending just about any worthwhile (or worthless?) position that doesn't seem to fit anywhere else and probably has no reasonable basis in reality.

Of course, by the time most law students reach their last semester, what formerly passed as intimidating intellectual prowess on the part of the professor either completely escapes notice or merely comes off as a last-ditch effort to salvage an academic ego and impress apathetic students. Either way, it's feed corn.

A final note for those about to leave these halls for the real world: In the legal profession, it's not about what you know, but what other people think you know. In other words, a few kernels of corn — er, I mean wisdom — will take you far. If that doesn't work, I hear Ohio has a shortage of grain farmers.

Cunningham is a 3L.

Crossword answers

Word Search
Says who?

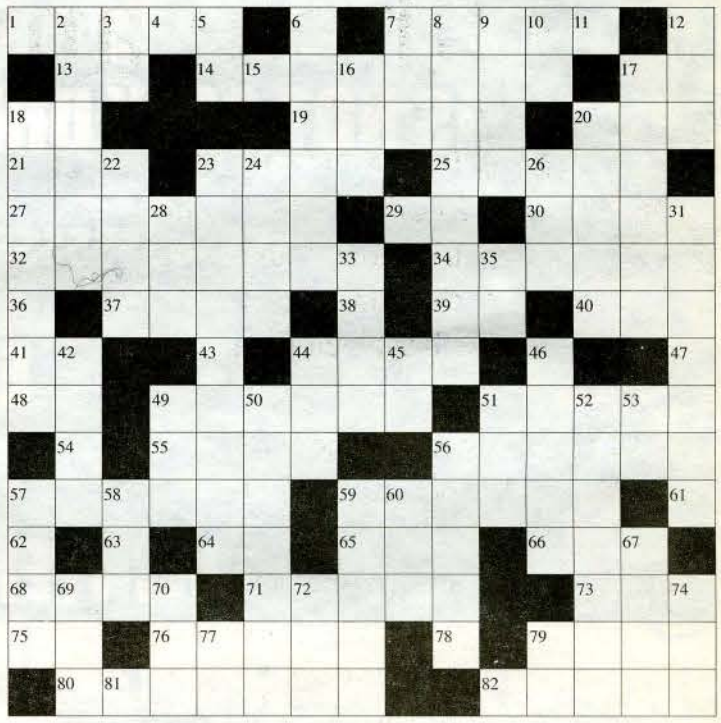
C	R	O	S	S	E	N	T	I	W
C	D	D	E	S	O	N	E	C	I
O	R	I	O	E	E	H	S	L	N
M	E	A	H	C	R	A	T	S	T
P	M	S	S	O	U	R	R	D	R
E	A	T	A	R	E	M	E	D	Y
T	N	A	H	P	E	L	E	O	R
E	D	T	X	R	G	E	T	N	O
N	E	E	H	O	T	S	H	O	T
T	I	B	A	H	E	S	A	C	S

By Eileen Sutker
STAFF EDITOR

Find these words: case, cheers, competent, corp, cross, document, elephant, expert, habit, harmless, hot shot, ogled, nod, nosed, process, remand, remedy, said, scent, shoes, starch, state, story, street, wintry, witness. Leftovers identify saying it aloud.

Correction: In February's issue the *Gavel* misprinted the word list for the above puzzle; the correct word list appears here. The *Gavel* regrets the error.

Crossword Puzzle



On the bench

By Eileen Sutker
STAFF EDITOR

Warning: A table of Supreme Court justices may be needed to work this puzzle.

ACROSS

1. Hugo —; 1937 by Roosevelt
6. See 46A
7. —furter; 1939 by FDR
12. See 46A
13. Not Out
14. Levi —; 1845 by Polk
17. S of Oregon
18. Consumption abbr.
19. Morrison —; 1784 by Grant
20. William —; 1903 by Roosevelt
21. The property
23. Stanley —; 1938 by FDR
25. Lucius —; 1888 by Cleveland
27. James —; 1790 by Washington
29. All of us
30. Starts some case names
32. Marbury's Author
34. Peter —; 1841 by Van Buren
36. See 1D
37. Typeface
38. See 62A
39. Car maker
40. Cat — Hot Tin Roof
41. Superman's girlfriend's initials
43. Jean Luc's nemesis on Star Trek
44. What the dog did
46. —, H, I, 12A, 11D, L, 82D, N, 15D, 6A
47. See 6A
48. Engineering type
49. Soap or plastic follower
51. Shamu's type
54. First letter
55. Feathered creature
56. Medical emergency sorting
57. Solid milk
59. Warren —; 1969 by Nixon
61. See 62A
62. Alphabet string with 1D, 4D, 61A, 38E
63. Eighteenth letter
64. S of Kentucky
65. Candles — cake
66. Sts., Aves., Blvds.
68. — and brimstone
71. An impeached judge
73. After Sept.
75. And in Latin
76. Impeached and acquitted
78. Follows 63A
79. Peter or Nicholas
80. Sandra Day —; 1981 by Reagan
82. William —; 1906 by Roosevelt

DOWN

1. See 62A
2. *Liberate in Catholic funerals*
3. Eye for — Eye
4. See 62A
5. Kilowatt abbr.
6. Apodaca's swing Justice
7. Not CIA
8. John —; twice by Washington
9. Length x width
10. E of Pennsylvania
11. See 46A
12. John —; 1789 by Washington
15. See 46A
16. Father for short
17. Earl —; 1953 by Eisenhower
18. Robert —; 1826 by Adams
20. Cyprinid fish
22. Medieval bondsman
23. Current Chief Justice
24. Port city at Gulf of Aqaba
26. Sixty sec.
28. Disting. Serv. Order abbr.
29. Twenty third letter
31. Time slipped by
33. Loyal and true
35. Morning abbr.
42. Rachael's older sister
44. Cash before delivery abbr.
45. E of New Hampshire
46. Robert —; 1846 by Polk
49. Pre Masters in Business Ed.
50. William —; 1956 by Eisenhower
51. Assoc. or Soc.
52. Benjamin —; 1932 by Hoover
53. Silver
57. Bistro-like
58. Mistake
59. Rocky's profession
60. One in Spanish
67. A large abundance
69. OJ's judge
70. Environmental prefix
72. Precedes late and mer
74. Give it a go
77. Head nurse abbr.
81. See 4D
82. See 46A

Answers at left, this page.